

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ANNA MARIA AGOLLI

v.

OFFICE DEPOT, INC.

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Civil No. JFM-11-2806

MEMORANDUM

Plaintiff, who filed two amended complaints, has now filed a “motion to amend” the order entered by this court on August 22, 2012 granting a motion to dismiss for failure to state a claim upon which relief could be granted filed by defendant. Plaintiff’s motion is denied.

Plaintiff argues that she did exhaust her administrative remedies as to the claims asserted in counts I and III for, respectively, race discrimination and termination of her employment and retaliation. I do not agree. The charge does not contain any facts giving rise to an inference that plaintiff was discriminated against because of her race. The “Continuation sheets” that apparently were provided to the EEOC are, as I previously held, so disjointed and rambling that they were not sufficiently focused to alert either the EEOC or Office Depot to the claims that plaintiff now seeks to resurrect.

Plaintiff also argues that her hostile work environment claim is not time-barred. Again, I do not agree. The hostile work environment claim pertains to alleged sexual harassment, and the only act that occurred within 300 days of the filing of suit, the termination of plaintiff’s employment, was, according to plaintiff herself, motivated by racial discrimination, not sexual harassment.

A separate order denying plaintiff’s motion is being entered herewith.

Date: November 6, 2012

/s/
J. Frederick Motz
United States District Judge